

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CLINTON WEBB,)	
ID #415336,)	
Petitioner,)	
vs.)	No. 3:18-CV-1174-N (BH)
)	
LORIE DAVIS, Director,)	
Texas Department of Criminal)	
Justice, Correctional Institutions Division,)	
Respondent.)	Referred to U.S. Magistrate Judge

RECOMMENDATION REGARDING REQUEST TO PROCEED
IN FORMA PAUPERIS ON APPEAL

By Amended Miscellaneous Order No. 6 (adopted by Special Order No. 2-59 on May 5, 2005), requests to proceed *in forma pauperis* are automatically referred. Before the Court is the petitioner's motion to proceed *in forma pauperis* on appeal and a certificate of inmate trust account, received July 19, 2018 (doc. 11).

- (X) The motion for leave to proceed *in forma pauperis* on appeal should be DENIED for the following reasons:
- (X) The petitioner is not a pauper. The certificate of inmate trust account shows that he has \$570.70 in funds. It shows that his expenditures in prison since January 2018 have totaled \$58.45. Based on this information, the Court should conclude that the petitioner will not suffer undue financial hardship after payment of the \$505.00 filing fee. *See Prows v. Kastner*, 842 F.2d 138, 140 (5th Cir. 1988).

If the Court denies the request to proceed *in forma pauperis* on appeal, the defendant may challenge the denial by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within thirty days after service of the notice required by Fed. R. App. P. 24(a)(4). *See* Fed. R. App. P. 24(a)(5).

SIGNED this 20th day of July, 2018.


IRMA CARRILLO RAMIREZ
UNITED STATES MAGISTRATE JUDGE